

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : Chapter 13
Hamilton, David G.
Hamilton, Alexandra L.
Debtors/ Respondents : 16-18326 SR

**Answer to Motion of
For Relief from Automatic Stay**

Debtor, David G. and Alexandra L. Hamilton by and through their undersigned attorney, hereby provides the following answers to the Motion for Relief from Stay filed by Bayview Loan Servicing, LLC, or its Successor or Assignee ("Movant"). These responses are made without prejudice to debtor's right to present additional facts or contentions at trial based upon information hereinafter obtained or evaluated. Debtors specifically reserve the right to supplement or amend their responses or present additional facts and contentions at a later date to any of the answers given.

1. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required. To the extent an answer may be appropriate, the allegations are denied, and the debtor aver, on the contrary, that the Debtors listed on the bankruptcy petition filed M & T Bank as the mortgage company with an address of Po Box 844, Buffalo, NY 14240. A mortgage servicing company with no beneficial interest in the underlying mortgage does not have standing to file a motion for relief from the stay. See *In re Morgan*, 225 B.R. 290(Bankr.E.D.N.Y.1998), *vacated on other grounds sub nom. In re Nunez*, 2000 WL 655983 (E.D.N.Y. Mar. 17, 2000).

2. -3. Denied. The averments contained in these Paragraphs consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

4. Denied. According to Debtor's they are due for February and March 2018 payments and are in the process of acquiring proof of payments in the form of endorsed bank checks and endorsed money orders. Strict proof is hereby demanded.

5. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required. To the extent an answer may be appropriate, the allegations are denied, and the debtors aver, to the contrary see Debtors' response to paragraph 4 above as fully set forth herein.

6. -7 Denied. The allegations are denied, and the debtors aver, to the contrary see Debtors' response to paragraph 4 above as fully set forth herein.

8. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

9. Denied. Debtors can neither admit nor deny the allegations because Debtor has no personal knowledge of the accuracy of such statement. Strict proof is hereby demanded.

10. -11. The allegations are a legal conclusions of law to which no answer is required. To the extent an answer may be appropriate.

For the reasons set forth above, among others, and based on this Court's authority under the Bankruptcy Code, the Debtors pray that the motion be denied, and such other relief as is just and proper. The Debtors specifically reserves the right to supplement the answer at or prior to the hearing thereon.

Dated: March 22, 2018

"/s/" Mitchell J. Prince
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